

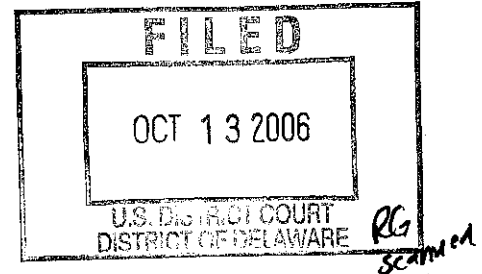
In the United States District Court of Delaware

Harry Samuel, Pro se  
Plaintiff

v.

C.A. NO. 05-037-SLR

Thomas Carroll (Warden) LT.  
Porter, Counselor Kramer, and  
the I.B.C.C. (Classification  
Committee) and Dental Service,  
Defendant



Plaintiff response to State Defendants Motion for Enlargement  
of time out of time D.I. 86 and 7.11 Certificate of Counsel

Plaintiff submit that Plaintiff submitted a Default Motion  
to the U.S. District Court for a Default Judgement against  
Defendants for being in Default to the District Court Judge's  
Court ORDER and not to Prejudice + the Plaintiff.

State Defendants responded to Plaintiff Default MOTION stating  
Defendants was in Default because due to the volume of other  
Pressing litigation Defendant was not reminded of the instant  
law suit. With additional flawed reasons for being in Default.

At this time Plaintiff is waiting on a ruling from the District  
Court in regard to Plaintiff Default MOTION.

Now Plaintiff while waiting on the District Court Default  
Judgement requested a informal Discovery within 30 days.  
The Defendants did not meet the 30 day deadline. Thereafter  
Plaintiff mailed a letter to Defendants stating/informing  
that it have being over 30 days and one week and ~~XXXXXX~~ Defendant  
has not responded to Plaintiff informal Discovery request

Thereafter Defendants made ~~no~~ attempt to reach an informal  
agreement by mail regarding a Enlargement of time and or  
out of time. Instead Defendants move this Court for a enlarge-  
ment of time to file a response to Plaintiff's discovery requests.  
Defendant state the same reason Defendants was in Default  
as to the District Court order to respond to Plaintiff Complaint.  
Defendants again state Due to the Press of other litigation  
Defendants was unable to meet the deadline.

Plaintiff Submit that Defendants had adequate time to correct this deficient misconduct and deficiency as to Due to the Press of other litigation.

Defendants state additional reasons why Defendant did not attempt to contact Plaintiff and attempt to reach an informal agreement regarding a enlargement of time to respond to Plaintiff Discovery request. Defendants state Plaintiff is an unrepresented Prisoner, not able to be reach by telephone and other Contact is impractical.

Plaintiff oppose Defendants motion. Plaintiff Submit Plaintiff is representing himself as Plaintiff own Council Pursuant to Federal Rule as a Pro se litigate.

As Defendants state in Defendants motion Plaintiff is under the Defendants supervision therefore Plaintiff Submit Defendants could of supervised a telephone call to Plaintiff regarding a enlargement of time.

Plaintiff Submit Defendants could of Corresponded to Plaintiff by legal Mail for a informal resolution on Discovery and a enlargement of time. There was a avenue to address this matter.

Plaintiff Submit Defendants are in Default as to Plaintiff Discovery request within 30 days of service. Pursuant to Fed. R. Civ. P. 34, 33 and 36. Defendants did <sup>not</sup> request an enlargement from the District Court or seek Plaintiff agreement to a enlargement of time within the 30 day deadline here within Defendants objections are waived as a result of Defendant failure to make them in a timely manner

### Conclusion

Plaintiff request Defendants motion be denied and Plaintiff request a Default Judgement in regard to Plaintiff Discovery request. Plaintiff also request any relief the Plaintiff is intitled to as a result of Defendants failure to respo<sup>n</sup>se within the deadline.

Respectfully Submitted  
Very Truly yours  
Harry L. Samuel, Pro se

Date 10-10-2006

Certificate of Service

I, Harry Samuel, hereby certify that I have served a true  
and correct cop(ies) of the attached: Plaintiff response to Defendants  
enlargement of time motion and upon the following  
7.1.1 Certificate of Counsel  
parties/person (s):

TO: Ophelia M. Waters  
Deputy attorney General  
Carvel State Building  
820 N. French Street  
6th floor  
Wilmington, DE. 19801

TO: \_\_\_\_\_  
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TO: \_\_\_\_\_  
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BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United  
States Mail at the Delaware Correctional Center, 1181 Paddock Road, Smyrna, DE  
19977.

On this 10<sup>th</sup> day of October, 2006

Harry L. Samuel, Pro se

IM Harry Samuel  
SBI# 201360 UNIT 23B,2,4  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977

WILMINGTON DE 197  
12 OCT 2006 PM 2 T



TO. Office of the Clerk  
United States District Court  
844 N. King Street, Lockbox 18  
Wilmington, Delaware  
19801-3570

15801+3570

